

REMARKS

Applicant appreciates the telephone interview granted on June 25, 2008 between the Examiner, the undersigned, and a representative of Applicant, to discuss the final office action. The Examiner requested that Applicant submit a written response to the final office action and to discuss additional references which the Examiner identified to the undersigned by telephone on June 25, 2008. These additional references are cited in the accompanying Information Disclosure Statement filed with this Response.

Claims 1-3, 5, 6, 21-34 are now pending, with claims 1 and 3 being the independent claims.

Claims 1-3 and 5-6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,404,877 (“Bolduc”) in view of U.S. Patent No. 6,282,563 (“Yamamoto”).

Claims 5-6 and 21-24 are rejected as unpatentable over Bolduc.

Claims 25-34 are rejected under 35 USC §103(a) as being unpatentable over Bolduc in view of Yamamoto and further in view of Baker.

Bolduc discloses an automated toll-free search service, which employs a voice response unit to provide a list of toll-free telephone numbers and associated entities in response to a caller requesting information concerning a category of interest such as “clothing catalog services” or “bicycling catalogs” (see col. 2, lines 36-49). The information is announced and played for the caller. The caller then selects one of the toll-free numbers and the search service proceeds to launch a call to the selected toll-free number (see Abstract and Claim 1).

In contrast, the present invention facilitates targeted marketing over a telecommunications network. In one example of the use of the present invention, a central controller functioning as a local exchange carrier may receive a toll free phone call from a customer to an airline

booking/reservation call center. In the process of switching the call to the appropriate network service provider, the central controller determines the identity of the terminating party (i.e. the airline call center) by querying a toll free directory database. Having determined the identity of the airline, the central controller next determines targeted marketing material based on the identity of the airline. In this case, the targeted marketing material may be a coupon for a competing airline good for any national roundtrip ticket booked with the next six months. The coupon is then provided to the customer. This may be accomplished e.g. via email, typical postal mail, the Internet, etc. (See page 3, lines 20-29 of the present application.)

The Examiner contends in the Response to Arguments in the final office action that a telephone call including routing information reads on Bolduc's caller's request for a product of interest, such as bicycling catalog, and that routing the telephone call to a called terminating party reads on Bolduc's caller either saying or entering a DTMF command to confirm he/she want the bicycling catalog. Applicant respectfully disagrees. It is well known in the field of telecommunications that a telephone call has an originating party and a called party, where the "called party" is a person who (or device that) answers a telephone call. Billing records, better known as Call Detail Records are generated by carrier switches based on this definition. Thus, in the Bolduc system, the call from the caller 100 is routed by a local exchange carrier (LEC) 110 to the service node 190 which answers the call, i.e. the called party. And it is also well known in the art that a carrier such as the LEC 110 uses a telephony signaling protocol such as SS7 for setting up the telephone call based on routing information including the called telephone number, which, in the Bolduc's system, is the toll free telephone number (e.g., 1-800-FIND-4-ME) of the service node 190. Accordingly, Bolduc's service node 190, not the referred telephone number subsequently provided by service node 190 to the caller, is the called terminating party with respect to the caller,

as is well understood by the ordinarily skilled telecommunications engineers. In view of this definition, it is respectfully submitted that the pending claims do not read on Bolduc, Yamamoto, and/or Baker (which secondary references were discussed in detail in Applicant's previous responses).

Applicant has cited additional references. For the reasons stated below, none of these additional references, either singly or in combination, anticipate or render obvious the pending claims.

US Patent Application Publication 2002/0088401A1 ("Leapman") discloses a system for broadcast advertising to a mobile communication device. The mobile communication device receives a broadcast advertisement from an advertisement broadcasting system or source, preferably through a wireless communication channel, and selects that advertisement based on stored user profile or acceptance data, thereby providing broadcast advertising that is filtered by the communication device. If the communication device selects the advertisement, the advertisement may be displayed or stored. (See Abstract of Leapman.) The user may configure the mobile device 100 with acceptance data to accept specified types of broadcast advertisements and/or reject other types of broadcast advertisements. (See para. [0026].) Alternatively, the acceptance data in the mobile device 100 may be modified based on entries in the user's personal information manager ("PIM"). (See para. [0031].) For example, a user's PIM may have an upcoming entry for "Dad's Birthday" in the calendar. This entry creates acceptance data in the mobile device 100, and then the mobile device 100 accepts broadcast advertisements for items that would be appropriate for such an event. (See para. [0032].)

But Leapman does not disclose or teach at least the limitations of:

“receiving at a processor a telephone call from an originating party, the telephone call including routing information for routing the telephone call to a called terminating party, wherein the routing information includes one of a telephone number and IP address of the called terminating party”, and
“determining at the processor targeted marketing material based on the identity of the called terminating party”

of the independent claims 1 and 3.

US Patent Application Publication 2004/0109547 (“Katz”) discloses a traffic control system that selectively interfaces members of plural groups, as buyer groups and vendor groups, for video communication through a dial-up telephone system, for analyzing and compiling data, scheduling appointments, implementing conferences, consummating sales and the like. (See Abstract of Katz.) Para. [0010] discusses generally the problem of advertisement being viewed only by random buyers. A significant aspect of the scheduling and routing system of Katz is based on recognizing that a dial-up public telephone system may be effectively utilized for visual communication and conferences between a plurality of remote locations regulated and controlled by a central traffic control station. (See para. [0040].) Like Leapman, Katz fails to disclose or suggest at least the limitations of:

“receiving at a processor a telephone call from an originating party, the telephone call including routing information for routing the telephone call to a called terminating party, wherein the routing information includes one of a telephone number and IP address of the called terminating party”, and
“determining at the processor targeted marketing material based on the identity of the called terminating party”

of the independent claims 1 and 3.

US Patent Application Publication 2005/0002510A1 ("Elsey") discloses that a user may utilize a communication device, e.g., a wireless phone, mobile device or personal digital assistant (PD), to contact an information/call center where an operator provides personalized information and communications services to the user. Such services include, e.g., providing listing information, contacts information, appointments information, etc. (See Abstract of Elsey.) Elsey further discloses that at least one profile associated with a user or group of users, e.g., a wireless telephone user, is employed to provide a service, e.g., information assistance, to the user. The profile was previously established, and is identified by an identifier, e.g., an automatic number identification (ANI), which is associated with a communication, e.g., a telephone communication, requesting the service. The profile includes preferences which define options of the service. (See para. [0012].) The ANI of the user is automatically provided in entry 301 by platform 114, thereby obviating the need of the operator's eliciting from the user, and entering, the required phone number or user-name. (See para. [0060].)

Elsey also does not disclose or teach at least the limitation of "determining at the processor targeted marketing material based on the identity of the called terminating party" of independent claims 1 and 3. Elsey's system relies on the preferences of the user or caller while the present invention requires the identity of the called terminating party.

None of these additional references or the references cited in the Final Office Action, either singly or in combination, discloses or teaches all of the limitations of independent claims 1 and 3.

For the same reasons set forth above, dependent claims 2, 5, 6 and 21-34 are also patentable over the cited prior art and the additional references.

Based on the foregoing amendments and remarks, this application should be in condition for allowance. Early passage of this case to issue is respectfully requested.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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